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Attorneys for Plaintiff and Counter-defendant
FIRST AMERICAN TITLE INSURANCE CO.,
as successor in interest to
NEVADA TITLE COMPANY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FIRST AMERICAN TITLE INSURANCE CO., a
Nebraska corporation, as successor in
interest to **NEVADA TITLE COMPANY,**

Plaintiff,

vs.

ACE AMERICAN INSURANCE COMPANY, a
Pennsylvania corporation,

Defendant.

AND COUNTER-CLAIM.

Case No. 2:18-cv-1823-GMN-(VCF)

**THE PARTIES' STATUS REPORT, AND
STIPULATION TO SEEK THE COURT'S
ORDER, AND (PROPOSED) ORDER:**

**TO CONTINUE THE DEADLINE FOR THE
PARTIES TO FILE THE JOINT PRETRIAL
ORDER, AND OTHER PRETRIAL MATTERS**
(First Request)

Plaintiff/Counter-Defendant **FIRST AMERICAN TITLE INSURANCE COMPANY** ("FATICO")

or "Plaintiff and Counter-defendant"), as successor in interest to **NEVADA TITLE COMPANY,**

by its counsel, Steven J. Parsons, of LAW OFFICES OF STEVEN J. PARSONS, and

Defendant/Counter-claimant **ACE AMERICAN INSURANCE COMPANY** (“ACE” or “Defendant and Counter-claimant”) by its counsel, Michael W. Melendez and Teri Mae Rutledge of KENNEDYS CMK LLP, (together, the “Parties”), hereby agree and stipulate to seek the Court’s Order permitting the parties to defer filing of the Joint Pretrial Order (“JPTO”) for an additional seven (7) days, but not more than fourteen (14) days.

By the Court’s Order the JPTO is due today, October 30, 2023 (ECF 153). The Parties propose that the new deadline for the JPTO is not earlier than Tuesday, November 7, 2023 nor later than Tuesday, November 14, 2023.

The Parties have substantively corresponded extensively, met, and conferred since the Court’s Order (ECF 153), and have continued to cooperate fully in preparing the JPTO and in otherwise complying with LR 16-3 and 16-4, and in getting all pretrial matters completed.

This Stipulation, the status of matters underlying the stipulation and request to enlarge the deadline for filing the JPTO, and the other relief and matters set forth herein, is upon good cause shown, and is submitted in the best interests of justice, in the Parties’ best interests, and is not merely for the purposes of delay.

STATUS REPORT and PROPOSED ACTIONS

1. Expert Discovery Remains to Be Completed

a. The depo of Plaintiff’s expert, Professor Jeffery Stempel, of the Boyd School of Law at UNLV, is confirmed for Wednesday, November 29, 2023, by remote video starting not earlier than 10 am, PT, and will not take longer than the seven-hour presumed limit.

b. Plaintiff awaits from Defendant proposed dates and time for Plaintiff’s depo of Defendant’s title expert, Marc Brooks, which will be in the late November-early December time.

These two (2) depositions encompass the final deposition discovery the Parties propose. The Parties endeavored to complete all discovery by the present deadline of October 27, 2023. However, the extensive travel and other professional commitments of all of the expert witnesses, and Defendant’s counsel changing firms earlier in the summer schedule,

1 necessitated the ongoing cooperation and agreement to conduct these remaining depositions
2 as soon as possible.

3 The Parties agree to liberal amendment and supplementation of the JPTO in a
4 reasonable time after the final depositions.

5 2. A Stipulation on the Court's Consideration of Plaintiff's Claim of Attorney's Fees
6 and Costs Is Forthcoming.

7 a. The Parties have worked extensively to complete a stipulation regarding the
8 Court's consideration of Plaintiff's claim of attorney's fees and costs. The Parties reasonably
9 believe that the final agreement can be accurately set out in the JPTO. The agreement
10 regarding the Court's consideration of Plaintiff's claim for attorney's fees will result in an
11 orderly preparation of that part of Plaintiff's claim and Defendant's defense of the claim, and
12 it will result in economies to the Parties and the Court.

13 3. The Parties Have Agreed to Another Round of ADR

14 a. The Parties met and upon the initiative of Plaintiff's attorney, the attorneys who
15 will try the case and who are authorized to make binding stipulations have personally
16 discussed settlement, and have agreed to seek ADR, in compliance of LR 16(3)(b). Plaintiff
17 awaits Defendant's further ADR proposal.

18 The Parties shall:

- 19 i. seek ADR simultaneously with proceeding to prepare and file the JPTO;
- 20 ii. get the court's approval of the JPTO;
- 21 iii. finish the expert discovery;
- 22 iv. supplement the JPTO regarding the deposition discovery of the two
- 23 remaining experts; and
- 24 v. keep the Court informed of the simultaneous, parallel tracks, and the
- 25 Parties' efforts of ADR and in this litigation, and any change of status.

26 4. The JPTO Is Being Completed in Cooperation Between the Parties

27 After earlier telephonic discussions, Plaintiff submitted to Defendant its draft of the

JPTO on October 27, 2023, which draft included most but not all of the information due from Plaintiff to be set out in the JPTO. By agreement, Plaintiff seeks the return of Defendant's draft of an *integrated* JPTO, which will include Defendant's information, as well as the information provided by Plaintiff, hopefully early this week. The process of collaborating on the final version of the JPTO will be undertaken immediately, and submitted in final form containing as much agreed-to and stipulated entries as the Parties can provide the Court – with the exception of that part of the JPTO relevant to the remaining two expert's depositions – not later than the deadline sought in this Stipulation by the Parties in the Court's Order.

Dated: Tuesday, October 31, 2023.

LAW OFFICES OF STEVEN J. PARSONS

KENNEDYS CMK LLP

/s/ Steven J. Parsons
STEVEN J. PARSONS
Nevada Bar No. 363

/s/ Teri Mae Rutledge
TERI MAE RUTLEDGE

Attorney for Plaintiff and Counter-defendant
NEVADA TITLE COMPANY

Attorneys for Defendant and
Counterclaimant
ACE AMERICAN INSURANCE COMPANY

ORDER

Upon the Parties' foregoing stipulation, and good cause appearing,

IT IS SO ORDERED. *New JPTO deadline is Monday, November 13, 2023*

Dated: *Oct 31, 2023*



U.S. DISTRICT JUDGE

